

REMARKS

Claims **13–64** and **75–80** are pending in the application.

Claims **13–19, 21–39, 41–64** and **75–80** stand rejected.

Claims **13, 20, 33, 40, 53** and **59** have been amended.

Claims **19** and **39** have been cancelled.

Allowable Subject Matter

Claims 20 and 40 are objected to as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants wish to express their appreciation for the indicated allowability of claims 20 and 40. In response, Applicants have amended independent claims 13, 33, 53 and 59 to include limitations comparable to pertinent limitations of certain of the objected to claims, as well as those of corresponding intervening claims. Applicants therefore respectfully submit that amended independent claims 13, 33, 53 and 59, as well as all claims depending thereon, are in condition for allowance.

Rejection of Claims Under 35 U.S.C. § 112

Claims 53–58 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Office Action takes the position that the specification lacks support for the “computer-readable storage medium” recited in claims 53–58. Applicant respectfully disagrees.

It appears that the Examiner is actually objecting to the fact that the exact phrase “computer readable storage medium” is not present within the specification. However, as noted in MPEP § 2163.02, “The subject matter of the claim need not be described literally (i.e., using the same terms or in haec verba) in order for the disclosure to satisfy the description requirement.” Similarly, as recognized in MPEP §608.01(o), “an applicant is not limited to the nomenclature used in the application as filed.” Thus, there is no requirement that the exact phrase used in the claims appear in the specification.

Applicant respectfully submits that the phrase “computer-readable storage medium” finds support at least in claims 10-12 originally filed in the parent patent application to the present patent application (now U.S. Patent No. 6,724,721). Applicant respectfully submits, therefore, that the use of the phrase “computer-readable storage medium” is proper.

Rejection of Claims Under 35 U.S.C. § 103

Claims 13-19, 21, 25-26, 28-39, 41, 45-46, 48-64, and 75-80 stand rejected under 35 U.S.C. § 103 as being unpatentable over Spinney et al., U.S. Patent No. 6,426,943 (“Spinney”) in view of Bauman, U.S. Patent No. 6,046,979 (“Bauman”).

Claims 22-24 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spinney et al., U.S. Patent No. 6,426,943 (“Spinney”) in view of Bauman, U.S. Patent No. 6,046,979 (“Bauman”) and further in view of Bergman et al., U.S. Patent No. 5,303,237 (“Bergman”).

Claims 27 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spinney et al., U.S. Patent No. 6,426,943 ("Spinney") in view of Bauman, U.S. Patent No. 6,046,979 ("Bauman") and further in view of Choudhury et al., U.S. Patent No. 5,541,912 ("Choudhury").

While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully traverse the rejection in light of the amendments made to independent claims 13, 33, 53 and 59. Applicants have amended independent claims 13, 33, 53 and 59 to include limitations comparable to certain of the limitations of the objected-to claims, and so believe this rejection to be overcome thereby. Applicants reserve the right, for example, in a continuing application, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Applicants, having amended independent claims 13, 33, 53 and 59 to include pertinent limitations of certain of the objected to claims, as well as those of corresponding intervening claims, therefore respectfully submit that this rejection is overcome thereby, and that claims 13, 33, 53 and 59, and all claims depending thereon, are in condition for allowance.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

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